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Eric H. Holder, Jr.,
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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

IRA DAVES, Plaintiff, v. ERIC H. HOLDER, JR., ATTORNEY GENERAL, Defendant.	Case No.: CV 08-07376 GW (AGRx) DEFENDANT'S NOTION OF MOTION AND MOTION FOR A PROTECTIVE ORDER AS TO PLAINTIFF'S FIRST, SECOND AND THIRD SETS OF REQUESTS FOR ADMISSIONS DATE: February 1, 2010 TIME: 10:00 A.M. PLACE: Courtroom D Hon. Alicia G. Rosenberg Discovery Cutoff: February 28, 2011 Pretrial conference: July 25, 2011 Trial Date: August 23, 2011. Complaint filed: November 6, 2008 JURY DEMAND Doc 36, Scheduling Order, Attached as Exhibit "A" pursuant to Central District Local Rule 37 -2.1

[1/] On February 3, 2009, Eric Holder was sworn in as the Attorney General of the United States. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Attorney General Holder is automatically substituted for Michael Mukasey as the proper defendant in this suit.

NOTICE OF MOTION AND MOTION
TO PLAINTIFF AND HIS ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that on February 1, 2010, at 10:00 a.m. or as soon thereafter as the matter may be heard in Courtroom D of the above-entitled court, located at 312 North Spring Street, Los Angeles, California, 90012, Defendant Eric H. Holder, Jr., Attorney General of the United States ("Defendant") will, and hereby does, move this Court for a protective order pursuant to Federal Rule of Civil Procedure 26(c)(1) preventing Defendant from having to respond to Plaintiff's Ira Daves' ("Plaintiff") 884 requests for admission. This motion is made pursuant to Federal Rule of Civil Procedure 26(c)(1) on the grounds that the Plaintiff's 884 requests for admissions are excessive in light of the issues in this case and subject the Defendant to annoyance, undue burden, and harassment.

This Motion shall be based on this Notice and Motion, the Joint Stipulation in support thereof, the complete files and records herein, and on such further oral and documentary evidence as the Court may consider at the hearing of this Compel.

DATED: January 10, 2010

LAURA E. DUFFY
United States Attorney

s/ Cindy M. Cipriani
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Counsel for Defendant
Attorney General Eric Holder

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

IRA DAVES, Plaintiff, ERIC H. HOLDER, JR., ATTORNEY GENERAL, Defendant.	Case No.: CV 08-07376 GW (AGRx) CERTIFICATE OF SERVICE DATE: February 1, 2010 TIME: 10:00 A.M. PLACE: Courtroom D Hon. Alicia G. Rosenberg Discovery Cutoff: February 28, 2011 Pretrial conference: July 25, 2011 Trial Date: August 23, 2011. Complaint filed: November 6, 2008 JURY DEMAND Doc 36, Scheduling Order, Attached as Exhibit "A" pursuant to Central District Local Rule 37 -2.1

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893. I am not a party to the above-entitled action. I have caused service of:

1) DEFENDANT'S NOTION OF MOTION AND MOTION FOR A PROTECTIVE ORDER AS TO PLAINTIFF'S FIRST, SECOND AND THIRD SETS OF REQUESTS FOR ADMISSIONS (dated 01/10/11)

2) DECLARATION OF EUGENE R. LONG, JR. IN SUPPORT OF DEFENDANT'S MOTION FOR A PROTECTIVE ORDER AS TO PLAINTIFF'S FIRST AND SECOND SETS OF REQUESTS FOR FOR ADMISSIONS

3) TABLE OF EXHIBITS AND EXHIBITS ATTACHED TO DECLARATION OF EUGENE R. LONG, JR. IN SUPPORT OF DEFENDANT'S MOTION FOR A PROTECTIVE ORDER AS TO PLAINTIFF'S FIRST AND SECOND SETS OF REQUESTS FOR ADMISSIONS (plus Exhibits A-D attached thereto) dated 01/10/11)

4) JOINT STIPULATION IN SUPPORT OF DEFENDANT'S MOTION FOR A PROTECTIVE ORDER AS TO PLAINTIFF'S FIRST AND SECOND SETS OF REQUESTS FOR ADMISSIONS (dated 01/10/11)

5) DECLARATION OF MICHAEL L. COHEN IN SUPPORT OF DAVES' OPPOSITION TO DEFENDANT'S MOTION FOR PROTECTIVE ORDER ON REQUESTS FOR ADMISSIONS (dated 01/10/11)

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on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Michael L. Cohen
Heather M. McKeon, Esq.
COHEN McKEON, LLP
1910 West Sunset Boulevard, Suite 440
Los Angeles, CA 90026
cohen@cohenmckeon.com
mckeon@cohenmckeon.com

I hereby certify that I have caused to be mailed the foregoing, by the United States Postal Service, to the following non-ECF participants on this case:

N/A

the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 10, 2011.

s/Cindy M. Cipriani
CINDY M. CIPRIANI